

Docket: 02-321

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert E. Richard et al.  
Application No.: 10/632,061  
Date Filed: 07/31/2003  
Title: IMPLANTABLE OR INSERTABLE MEDICAL DEVICES CONTAINING  
ACRYLIC COPOLYMER FOR CONTROLLED DELIVERY OF  
THERAPEUTIC AGENT  
Group Art Unit: 1615  
Examiner.: unassigned  
Atty. Docket: 02-321

INFORMATION DISCLOSURE STATEMENT (IDS)

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. COPIES

- a. ☒ A legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b. ☐ Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120:

U.S. Serial Number

U.S. Filing Date

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. ☒ Except as may be indicated below in (b) of this section, all of the patents, publications or other information are in the English language (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. ☐ The following additional information is provided for the Examiner's consideration:

III. ☐ CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Serial No.

Filing Date

Art Unit

**FEES**

- IV. ☒ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b):** (check one box)
- a. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. §1.97(b)(1)). No fee or statement is required.
  - b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. §1.97(b)(2)). No fee or statement is required.
  - c. ☒ before the mailing date of a first Office Action on the merits (37 C.F.R. §1.97(b)(3)). No fee or statement is required.
  - d. ☐ before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- V. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c):** (check one box)  
before the mailing date of any of a Final Office Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (See 37 C.F.R. §1.97(c)).
- a. ☐ No statement; therefore, charge deposit account 50-1047 the fee set forth in 37 C.F.R. §1.17(p).
  - b. ☐ See the statement below. No fee is required.
- VI. ☐ **THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):**  
on or before payment of the issue fee and is accompanied by the following:
- 1) a statement under 37 C.F.R. §1.97(e) as provided below; and
  - 2) charge deposit account 50-1047 the petition fee set forth in §1.17(p).
- VII. ☒ **STATEMENT UNDER 37 C.F.R. §1.97(e)** (check only one box, if applicable)  
The undersigned hereby states that
- a. ☒ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of IDS; or
  - b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement, or
  - c. ☐ some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.
- VIII. **PAYMENT OF FEES**
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above-identified fee(s).
  - ☐ Please charge Deposit Account No. 50-1047 in the amount of \$180.00 for the above-indicated fee(s).
  - ☒ If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 50-1047.
  - ☐ Two Copies of this paper are attached for Deposit Account charges and debits.

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The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-1047.

Respectfully submitted,



David B. Bonham Reg. No. 34,297  
Attorney for Applicant(s)

MAYER FORTKORT & WILLIAMS  
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Enclosures: ☒ PTO/SB/08  
☒ References (excluding U.S. patent documents)  
☐ Foreign Search Report  
☐ Other:

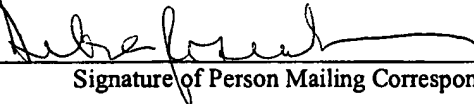
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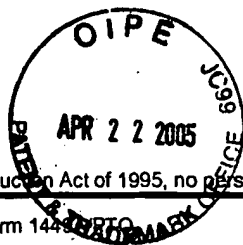
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 1 of 1

**Complete if Known**

Application Number	10/632,061
Filing Date	07/31/2003
First Named Inventor	Robert E. Richard
Group Art Unit	1615
Examiner Name	unassigned
Attorney Docket Number	02-321

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Class/Subclass		
	1	20020077418 A1	525/88	Chen et al.	06-20-2002
	2	20030138415 A1	424/94.4	Shepard	07-24-2003
	3	4038264	260/79.3	Rostoker et al.	07-26-1977
	4	6110483	424/423	Whitbourne et al.	08-29-2000

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T
		Office <sup>3</sup>	Number <sup>4</sup>	Class/Subclass			
		EP	0 484 057 A2	A61L 33/00	Walles	05-06-1992	
		WO	01/18079 A1	C08F 220/30	Schlueter et al.	03-15-2001	
		WO	02/47731 A2	A61L	Pinchuk et al.	06-20-2002	
		WO	03/032815 A2	A61B	Naimark et al.	04-24-2003	
		WO	03/084583 A2	A61L 31/00	Hermann et al.	10-16-2003	
		WO	03/090806 A1	A61L 31/10	Schwarz et al.	11-06-2003	
		WO	2004/000267 A1	A61K 9/00	Schwarz et al.	12-31-2003	
		WO	2004/000380 A1	A61L 27/34	Schwarz	12-31-2003	
		WO	2004/000381 A1	A61L 27/34	Schwarz et al.	12-31-2003	
		WO	2004/000384 A1	A61L 31/10	Schwarz	12-31-2003	
		WO	2004/011055 A2	A61L 31/00	Jianmin et al.	02-05-2004	
		WO	2004/050140 A2	A61M	Palasis et al.	06-17-2004	
		WO	2004/080397 A2	A61K	Schwarz	09-23-2004	
		WO	2004/091714 A2	A61M 36/00	Robert E. Richard	10-28-2004	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>12</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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